

**REMARKS**

Claims 1 through 52 are pending, with claims 1, 8, 15, 24, 33, and 42 being independent claims. With this amendment, the independent claims are amended to overcome the claim objections set forth on page 2 of the Office Action, and also to more particularly and distinctly claim the invention in view of the continued rejection under § 103(a) in view of Meyer '514 and DeFrees '534. With respect to the claim objections, each of the independent claims is amended to reflect that the first entry (or first subset, or totality of first entries) contains between one and less than the predetermined maximum number of game indicia. This amendment overcomes any confusion related to the language objected to by the Examiner.

This Amendment also proposes to cancel claims 3, 10, 17, 26, and 35.

With the present Amendment, the independent claims more particularly define the invention in accordance with the arguments previously presented. For example, the independent claims as amended call for the wagering game to have multiple wagering game occurrences with individual respective prizes. In other words, the wagering game includes different components or occurrences, wherein each occurrence is its own game with a unique prize. For example, claim 1 as amended calls for the gaming system to be configured for conducting a wagering game having multiple wagering game occurrences with respective individual prizes. The input device receives player input corresponding to a first entry for a player for a first occurrence of the wagering game. This first entry comprises a first subset containing between one and less than a predetermined maximum number of game indicia selected from a range of game indicia. The player selects the total number of game indicia within the first subset. The first

occurrence of the wagering game (i.e. the first game) is based solely on the game indicia in the first subset. The terminal unit controller and host computer are programmed to randomly select a supplemental entry for the player. This supplemental entry is used for a second occurrence (i.e., a second game) of the wagering game. The supplemental entry includes a second subset containing a number of game indicia that is equal to the predetermined maximum number of game indicia minus the number of game indicia in the first subset. The second occurrence of the wagering game is based on a combination of the game indicia from the first subset and the second subset. The host computer is programmed to randomly select a drawing subset that includes a predetermined selected number of game indicia from the range of game indicia. In the first occurrence of the wagering game, the game indicia of the drawing subset is compared to the game indicia from the player's first entry. A winning entry is based on the level of correspondence between the game indicia from the first entry and the game indicia from the randomly drawn subset. In the second occurrence or game, the game indicia from the randomly drawn subset is compared to a combination of the game indicia from the player's entry and the second subset, with a winning entry being based on a level of correspondence between the game indicia of the drawing subset and the game indicia of the combined first and second subsets.

Thus, it is important to understand that the first game or occurrence is based on a set of game indicia wherein the player dictates the total number of game indicia within the set. As described in the specification, this set of indicia may be selected by the player from a range of the game indicia, or the player may elect to have the indicia randomly generated by the controller by electing the "quick play" option. The supplemental entry that is generated by the controller does not come into play for the

first occurrence of the wagering game. The supplemental entry is a function of the player's entry in that the supplemental entry corresponds to the predetermined maximum number of game indicia minus the player's set of indicia, but does not affect the outcome of the first occurrence of the wagering game. The supplemental entry is combined with the player's entry in a second game or occurrence of the wagering game.

Each of the independent claims has been amended to reflect the distinctions set forth above with respect to claim 1.

The obviousness rejection of all of the pending claims in view of Meyer '514 and DeFrees '534 is premised on the game of Meyer '514. It is respectfully submitted that the game described and implemented by Meyer '514 does not correspond to the multiple occurrences of the wagering game set forth in the presently amended independent claims.

In the "Response to Arguments" section of the Office Action, the Examiner takes the position that Meyer '514 provides the player with three options for selecting the player indicia. This interpretation of Meyer '514 is not supported by the reference or the common use and understanding of a "quick pick" or "quick play" option in the art. Starting at column 6, line 56 through column 7, line 3, Mayer '514 describes the process wherein the player selects the player indicia. Referring to Figs. 1 and 2 in particular, in step 1 of the game ticket, the player designates the number of spots to mark in each of the columns in section 2 of the ticket. In the illustrated embodiment, the player elected to mark three numbers in each of the columns. Thus, referring to Fig. 2, the player then marks three separate numbers in each of the columns. As explained at column 6, lines

8 through 55, the number in the field 12, along with the number of columns in the field 16, determines the number of player combinations that are possible. For example, if three spots are selected, as in Figs. 1 and 2, twenty-seven different player combinations are possible.

At column 6, line 63 through column 7, line 3, Meyer '514 describes an alternative to the player choosing the quantity of indicia:

As an alternative to choosing the appropriate quantity of indicia from each column, the player may select box 25 and obtain spots generated by the gaming administrator. Such a selection may be referred to in the art as a "Quick Pick". The "player selected indicia" selected by the operator or authority on behalf of the game slip holder may either be manually selected or machine generated.

Thus, Meyer '514 uses the "Quick Pick" option as is commonly understood and referred to in the art as a process wherein the lottery computer or controller randomly generates the player's selection for the player. There is no indication or suggestion in Meyer '514 that use of the "Quick Pick" or "Quick Play" option is anything other than the commonly understood process as expressly defined in Meyer '514. Meyer does not support the Examiner's proposition that the reference allows the player to select only a portion of the player indicia while generating the remaining portion to be generated by the lottery computer. Meyer '514 describes a conventional "Quick Play" or "Quick Pick" option wherein the player may elect for the lottery computer to choose the entire set of the player indicia. As expressly described in Meyer '514, the player has two options: to mark the numbers in field 16 themselves, or to allow the computer to randomly select the appropriate numbers for each column in field 16. There is absolutely no support in Meyer '514 for the proposition that the player can elect some of the numbers in field 16, and allow the computer to randomly generate the remaining numbers in field 16.

As further explained in Meyer '514, after the game play slip has been submitted, the player indicia combinations may be used for a plurality of "draws". For example, in the embodiment of Figs. 1 and 2, the player has paid \$5.00 for five different draws. However, it is important to understand, that the individual draws are all of the same type of game, and each draw is based on the entire set of player indicia combinations. In other words, the same set of player indicia combinations is used for each of the five individual games. In essence, the player has paid to play multiple games with the same set of indicia. There is no disclosure in Meyer '514 that different or subsequent games or draws are based on different subsets of the initial set of player indicia combinations, as expressly described at column 7, lines 37 through 47.

Thus, the game of Meyer '514 does not enable or provide for a game wherein a predetermined maximum number of game indicia is indicated, with the player electing to select a total number of game indicia within a first subset with the computer generating a second subset of randomly generated game indicia based on the difference between the designated maximum number of game indicia and the player selected game indicia, as called for in the present independent claims. Meyer '514 does not describe a game wherein a first game is based solely on the player's selected indicia, and a second game or occurrence is based on the combination of the player's selected indicia and the second subset of indicia randomly selected by the computer.

Even if the Examiner's assertion that the player in the Meyer '514 game has three options for selecting player indicia, including an option wherein the computer selects part of the player indicia, such a configuration is still not in accordance with the present games. In Meyer '514, regardless of how the player indicia is selected, ***all of the games are based on the same set of player indicia combinations.*** Meyer does

not disclose or suggest of a first game wherein the outcome is based solely on the player's selection, and a second game wherein the outcome is based on a combination of the player's selection of game indicia and the computer's randomly generated selection of game indicia.


The secondary reference to DeFrees '534 does not alleviate the deficiencies discussed above with respect to the primary reference Meyer '514. DeFrees '534 does not provide a teaching or other reason for one skilled in the art to completely reconfigure the game of Meyer '514 in accordance with the present independent claims. Incorporation of the game of Meyer '514 with the system of DeFrees '534 still does not provide a game or system in accordance with any one of the independent claims.

For the reasons set forth herein, it is respectfully submitted that each of the independent claims 1, 8, 15, 24, 33, and 42 patentably distinguish over the combination of Meyer '514 and DeFrees '534. It is further respectfully submitted that the present Amendment is proper in view of the Final Office Action in that it only addresses issues already considered by the Examiner, as clearly referenced in the Final Office Action. The present Amendment will not require further search or consideration by the Examiner, and will place the application in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions regarding this matter or require any additional information.

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Respectfully submitted,

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